

Appl. No. 09/877,928
Response Dated April 25, 2006
Reply to Office Action of January 26, 2006

REMARKS

Claims 1-18 are pending in this application. Claims 1, 8, and 15 have been amended. No new matter has been added. Favorable reconsideration and allowance of the pending claims are respectfully requested in view of the foregoing amendments and the following remarks.

Claim Rejections – 35 U.S.C. § 112

Claims 1-18 stand rejected under 35 U.S.C. § 112 for not particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Applicants respectfully traverse the rejection based on the above amendments. The claims have been amended in accordance with the Office Action, and removal of this rejection is respectfully requested. Applicants further submit that the above amendments made to overcome the § 112 rejection are not made to overcome the cited references.

Accordingly, such amendments should not be construed in a limiting manner.

Claim Rejections – 35 U.S.C. § 103(a)

Claims 1, 2-5, 7, 8-12, 14-16 and 17-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,421,733 to Tso et al. ("Tso") and WinRoute Pro 3.0 User's Manual ("WinRoute"). Claims 6 and 13 stand rejected as being unpatentable over Tso and WinRoute in view of well-known Internet standards.

Applicants respectfully traverse the rejections.

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Applicants have amended the independent claims in order to expedite prosecution on the merits. In particular, independent claim 1 has been amended to recite "deleting said information upon delivery of said information to said client." Independent claim 8 has been amended to recite "deleting said information upon delivery of said information to said first network node." Independent claim 15 has been amended to recite "deleting said information upon delivery of said information to said client."

Applicants submit that even assuming the cited references could be combined, such a combination would nevertheless fail to teach all the elements of amended independent claims 1, 8, and 15. Furthermore, Applicants submit that the cited references describe a caching mechanism and thus teach away from deleting information upon delivery. Indeed, the WinRoute "Continue Aborted" feature teaches away from the deletion of information after delivery to a client having issued several requests for it, and is directed to solving a problem of a different nature. As such, there would be no motivation for making such a modification.

To form a *prima facie* case of obviousness under 35 U.S.C. § 103(a) the cited references, when combined, must teach or suggest every element of the claim. *See* MPEP § 2143.03, for example. Furthermore, if an independent claim is non-obvious under 35 U.S.C. § 103, then any claim depending therefrom is non-obvious. *Id.*

Moreover, all of the teachings of the cited references must be considered, even disclosures that teach away from the claimed invention. *See* MPEP § 2141.02. In addition, the proposed combination cannot render the cited references unsatisfactory for their intended purpose or change the principle of operation of a reference. *See* MPEP §

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2143.01, for example. Thus, it is improper to combine references where the references teach away from their combination. *See* MPEP § 2145, for example.

Applicants respectfully submit the cited references, whether taken alone or in combination, are insufficient to establish a *prima facie* case of obviousness with respect to amended independent claims 1, 8, and 15. Applicants submit that independent claims 1, 8, and 15 are allowable for at least this reason and that claims 2-7, 9-14, and 16-18 are allowable by virtue of their dependency, as well as on their own merits. Accordingly, reconsideration and withdrawal of the § 103(a) rejections are requested.

Applicants do not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, Applicants hereby reserve the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

It is believed that claims 1-18 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

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The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present patent application.

Respectfully submitted,

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Under 37 CFR 1.34(a)

Dated: April 25, 2006

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